

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HOWARD EFFRON,

Plaintiff,

-against-

ELEMENT 21 GOLF, INC. et al,

Defendants.  
-----X

**VICTOR MARRERO, United States District Judge.**

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4-22-08

08 Civ. 00965 (VM)

**CONDITIONAL**  
**ORDER OF DISCONTINUANCE**

Counsel for plaintiff, having notified the Court, by letter dated April 17, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

**ORDERED**, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining

pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The Clerk of Court is directed to close this case.

**SO ORDERED.**

Dated: NEW YORK, NEW YORK  
22 April 2008

A handwritten signature in black ink, appearing to read 'Victor Marrero', is written over a horizontal line.

VICTOR MARRERO  
U.S.D.J.

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April 17, 2008

Hon. Victor Marrero  
United States District Court  
500 Pearl Street  
New York, NY 10007

Re: Effron v. Element 21 Golf  
08 Civ. 0965 (VM)

Dear Judge Marrero:

This firm represents the plaintiff in the referenced action. I write in response to Your Honor's order of April 16, 2008, directing plaintiff to advise chambers of the status of this action.

The action has been settled. I anticipate submitting a stipulation to Your Honor to be "So Ordered" in the near future.

Respectfully yours,

  
Stuart M. Riback

SMR:ran

cc: David E. Ross, Esq.